

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

Master File No. 01-12257-PBS

Subcategory No. 06-11337-PBS

THIS DOCUMENT RELATES TO:
*State of California ex rel. Ven-A-Care of the Florida
Keys, Inc. v. Abbott Laboratories, Inc., et al.*
Civil Action No: 03-11226-PBS

Judge Patti B. Saris

Magistrate Judge Marianne B. Bowler

**STIPULATION OF DISMISSAL WITH PREJUDICE OF CLAIMS AGAINST SANDOZ
PARTIES AND MOTION FOR ORDER OF DISMISSAL WITH PREJUDICE**

The above-captioned matter is an action brought under the *qui tam* provisions of the California False Claims Act, (Government Code §§12650 – 12656), by Relator Ven-A-Care of the Florida Keys, Inc. (the “Relator”), and joined by the State of California, against Sandoz Inc. (f/k/a Geneva Pharmaceuticals, Inc.) (“Sandoz”) (Sandoz together with California and the Relator collectively the “Parties”).

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the California False Claims Act, Government Code §12652 (c)(1), and in accordance with, and as limited by, the terms of the Settlement Agreement and Release, the Parties hereby stipulate to the entry of an order dismissing all “Released Claims” for the “Covered Conduct” against Sandoz (as the terms in quotations are defined in the Settlement Agreement and Release attached hereto as Exhibit A.) The Parties further stipulate that, except as specified in the Settlement Agreement and Release, any claim the Relator or its counsel has to a Relator’s share or for expenses, attorneys’ fees, and costs shall not be the responsibility of Sandoz.

WHEREFORE, to permit them to effectuate the terms of their settlement, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the California False Claims Act, Government Code §12652 (c)(1), the Parties respectfully request that the Court enter an order in the form attached hereto as Exhibit B.

Respectfully submitted,

/s/ James J. Breen
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Dated: November 15, 2011

CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing document, filed this 16th day of November, 2011 via the Court's ECF system, will be served today on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ James J. Breen
JAMES J. BREEN